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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
)
13 Plaintiff,)
)
14 v.) 2:14-CV-935-JCM-(VCF)
)
15 2011 INFINITI QX56, (NV) 785 XMK, VIN)
JN8AZ2NF0B9502173, REGISTERED TO)
16 JIWON JARIV AND JAMES JARIV,)
)
17 Defendant.)

18 **THE UNITED STATES OF AMERICA'S UNOPPOSED EX PARTE APPLICATION TO**
19 **EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM OF THE**
20 **2011 INFINITI QX56, (NV) 785 XMK, VIN JN8AZ2NF0B9502173, REGISTERED TO JIWON**
JARIV AND JAMES JARIV AND ORDER
(Third Request)

21 The United States of America respectfully applies for an extension of time to and including
22 January 8, 2016, for the United States to file a Civil Complaint For Forfeiture In Rem of the 2011 Infiniti
23 QX56, (NV) 785 XMK, VIN JN8AZ2NF0B9502173, Registered to Jiwon Jariv and James Jariv pursuant
24 to 18 U.S.C. § 983(a)(3)(A) and LR 6. The Civil Complaint For Forfeiture In Rem of the 2011 Infiniti is
25 due July 8, 2015.

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1 The grounds for this application are (1) the government is pursuing criminal prosecution against
2 James Jariv, and (2) counsel for James Jariv agreed to the extension of time. James Jariv has pled guilty
3 in his criminal case. His sentencing is currently scheduled for August 5, 2015. Once James Jariv is
4 sentenced in his criminal case, the United States will dismiss this civil case.

5 This Sealed Ex Parte Application is made and is based on this Application and the attached
6 Memorandum of Points and Authorities.

7 DATED this 26th day of June, 2015.

8 DANIEL G. BOGDEN
9 United States Attorney

10 /s/ Daniel D. Hollingsworth
11 DANIEL D. HOLLINGSWORTH
12 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

On or about January 14, 2014, 2011 Infiniti QX56, (NV) 785 XMK, VIN JN8AZ2NF0B9502173, Registered to Jiwon Jariv and James Jariv (“2011 Infiniti QX56”) was seized from Ridge Rim Street, Las Vegas, Nevada with a judicially approved and issued civil seizure warrant.

The 2011 Infiniti QX56 was subject to administrative summary forfeiture proceedings; however, James Jariv filed an administrative claim on or about April 9, 2014.

Nathan Stoliar and James Jariv have pled guilty to the Indictment. Nathan Stoliar was sentenced on April 9, 2015. James Jariv is scheduled for sentencing on August 5, 2015. Once James Jariv is sentenced in his criminal case, the United States will dismiss this civil case.

II. ARGUMENT

This Court should grant this application for an extension of time to file a Civil Complaint For Forfeiture In Rem of the 2011 Infiniti QX56 because counsel for James Jariv has agreed. LR 6-1; 18 U.S.C. § 983(a)(3)(A).

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims ... , a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.”

18 U.S.C. § 983(a)(3)(A).

The filing of a Civil Complaint For Forfeiture In Rem, pursuant to 18 U.S.C. § 983, starts a civil forfeiture in rem action that is new and is separate from the criminal prosecution. A district court has the authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a Civil Complaint For Forfeiture In Rem based on the agreement of the parties. Doing otherwise could cause interference with the criminal prosecution.

On June 25, 2015, James Jariv’s counsel, Tim Johnson, agreed to the extension of time and authorized counsel for the United States to file this unopposed motion with this Court. Because the parties have agreed that the United States should be allowed an extension of time to file its In Rem

1 Complaint, the government respectfully asks this Court to grant its motion pursuant to 18 U.S.C. §
2 983(a)(3)(A).

3 This Application is not submitted solely for the purpose of delay or for any other improper
4 purpose.

5 **II. CONCLUSION**

6 This Court should grant an extension of time to and including January 8, 2016, for the United
7 States to file a Civil Complaint For Forfeiture In Rem of the 2011 Infiniti QX56 under 18 U.S.C. §
8 983(a)(3)(A) because both parties agreed to the extension.

9 DATED this 26th day of June, 2015.

10 Respectfully submitted,

11 DANIEL G. BOGDEN
12 United States Attorney

13 /s/ Daniel D. Hollingsworth
14 DANIEL D. HOLLINGSWORTH
15 Assistant United States Attorney

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17 IT IS SO ORDERED:

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21 UNITED STATES DISTRICT JUDGE

22 DATED: July 2, 2015
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